

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, *et al.*,

Plaintiffs,

v.

BAYLOR UNIVERSITY,

Defendant.

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6:16-CV-173-RP

Consolidated with

6:17-CV-228-RP

6:17-CV-236-RP

ORDER

Before the Court is Plaintiffs’ Motion to Compel, (Dkt. 1060). After reviewing the motion, the Court issues this order to confirm that the motion falls within the purview given to Special Master Andrew McRae per this Court’s Order on June 27, 2022. (Dkt. 1054). In that Order, the Court appointed Andrew McRae to resolve an ongoing dispute related to the production of Pepper Hamilton work product materials. (*Id.* at 3–4). Plaintiffs’ Motion to Compel raises three issues: “(1) PH material is not protected attorney work-product because it was not created in anticipation of litigation, (2) the PH work-product that the Court has already deemed subject to at-issue waiver is admissible in all cases, not just Doe 11’s suit, and (3) Plaintiffs have substantial need for the PH work-product and would face undue hardship attempting to obtain the equivalent information through other means pursuant to Fed. R. Civ. P. 26(b)(3)(A)(ii).” (Mot. Compel, Dkt. 1060, at 1).

Because Plaintiffs' Motion to Compel—and the specific issues raised in it—relate to the production of Pepper Hamilton work product materials and to provide clarity on the scope of the Special Master's limited appointment, this Court **ORDERS** that Special Master Andrew McRae shall, within the bounds of his appointment, consider Plaintiffs' Motion to Compel and produce a report and recommendation to this Court.

SIGNED on August 3, 2022.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE